

REMARKS

Applicant thanks the Examiner for the Telephone Interview held on November 15, 2004.

Claims 1-6, 43-48, and 85-90 are pending. By this amendment, claims 1, 43, and 86 are amended and new claim 91 is added. No new matter is introduced. Support for the amendments and the new claim may be found at least at page 5, line 12, page 10, lines 10-12 and page 12, lines 1-8 of the specification. Reconsideration and allowance of all pending claims is respectfully requested in view of the preceding amendments and following remarks.

Entry of the above amendments is proper under 37 C.F.R. § 1.116 because the amendments (1) place the claims in better form for appeal if needed; and (2) do not introduce any elements requiring further search by the Examiner.

Specification Objection and Claim Rejections Under 35 U.S.C. §112

The specification is objected to and claims 1, 2, 4-6, 43, 44, 46-48, and 85-90 are rejected under 35 U.S.C. §112, first paragraph. Claims 1, 43, and 86 are amended to recite that the investment structure determines when to end the investment period. The specification provides support for this limitation at least at page 10, lines 10-12. Withdrawal of the specification objection and the claim rejection under 35 U.S.C. §112 is respectfully requested.

Claim Rejections Under 35 U.S.C. §101

Claims 1, 2, 4-6, and 86-90 are rejected under 35 U.S.C. §101. Claims 1 and 86 are amended to recite that the determining step is performed on a computer system. Withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 2, 4-6, 43, 44, 46-48, and 85-90 are rejected under 35 U.S.C. §103 (a) over U.S. Patent 6,064,986 to Edelman (hereafter Edelman) in view of U.S. Patent 6,061,661 to Hagan (hereafter Hagan) and further in view of "The Handbook of Fixed Income Securities" by Fabozzi, et al. (hereafter Fabozzi). This rejection is respectfully traversed.

Edelman is directed to a computer program product, system or process that administer resources of a customer for the benefit of a beneficiary. Hagan is directed to a system for monitoring increasing income financial products. Fabozzi is directed to Fixed Income Securities. However, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest "determining, via a computer system, when to end an investment period based on parameters; and distributing all of the fixed component, the contingent component, the fixed interest, and the contingent interest when the investment period has ended," as

recited in amended claim 1 (emphasis added). None of the references include this determination step.

Since Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest all of the elements of amended claim 1, claim 1 is patentable over Edelman, Hagan, and Fabozzi.

Claims 2, 4-6, and 85 are allowable because they depend from allowable claim 1 and for the additional features they recite.

Regarding claim 43, for at least the same reason as stated above with respect to claim 1, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest “wherein the data structure determines when to end an investment period based on parameters,” and wherein all of the fixed component, the contingent component, the fixed interest, and the contingent interest are distributed when the investment period has ended,” as recited in amended claim 43 (emphasis added). Therefore, amended claim 43 is patentable over Edelman, Hagan, and Fabozzi.

Claims 44 and 46-48 are allowable because they depend from allowable claim 43 and for the additional features they recite.

Regarding claim 86, for at least the same reason as stated above with respect to claim 1, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest “determining, via a computer system, when to end an investment period based on parameters;” and distributing all of the fixed component, the contingent component, the fixed interest, and the contingent interest when the investment period has ended,” as recited in amended claim 86 (emphasis added). Therefore, amended claim 86 is patentable over Edelman, Hagan, and Fabozzi.

Claims 87-90 are allowable because they depend from allowable claim 86 and for the additional features they recite. Withdrawal of the rejection of claims 1, 2, 4-6, 43, 44, 46-48, and 85-90 under 35 U.S.C. § 103(a) is respectfully requested.

New claim 91 is allowable because it depends from allowable claim 1 and for the additional features it recites. Moreover, none of the references teach or suggest “the contingent component is a forward position,” as recited in new claim 91.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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